

REMARKS

The Official Action mailed February 8, 2005, has been received and its contents carefully noted. This response is filed within three months of the mailing date of the Official Action and therefore is believed to be timely without extension of time. Accordingly, the Applicant respectfully submits that this response is being timely filed.

The Applicant notes with appreciation the consideration of the Information Disclosure Statement filed on August 28, 2001. A further Information Disclosure Statement is submitted herewith and consideration of this Information Disclosure Statement is respectfully requested.

Claims 1, 2, 5, 7, 35, 36, 38-43, 45-48 and 50-75 were pending in the present application prior to the above amendment. Claims 1, 35, 40-42, 47, 52-54, 58, 74 and 75 have been amended to better recite the features of the present invention, and new claims 76-105 have been added to recite additional protection to which the Applicant is entitled. Claims 62-73 have been withdrawn from consideration by the Examiner (Paper No. 15). Accordingly, claims 1, 2, 5, 7, 35, 36, 38-43, 45-48, 50-61 and 74-105 are currently elected, of which claims 1, 35, 42, 47, 54, 58, 76, 80, 86, 90, 96 and 100 are independent. For the reasons set forth in detail below, all claims are believed to be in condition for allowance. Favorable reconsideration is requested.

Paragraph 2 of the Official Action rejects claims 54-61 as anticipated by U.S. Patent No. 5,946,560 to Uochi et al. The Applicant respectfully submits that an anticipation rejection cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP § 2131, to establish an anticipation rejection, each and every element as set forth in the claim must be described either expressly or inherently in a single prior art reference. Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Independent claim 54 has been amended to recite an inorganic film over an active layer and on a gate electrode; and a resin film over the inorganic film.

Independent claim 58 has been amended to recite a film comprising silicon and nitride over an active layer and on a gate electrode; and a resin film over the film comprising silicon and nitride. Uochi does not teach two layers of an inorganic film and a resin film over a gate electrode, either explicitly or inherently.

Since Uochi does not teach all the elements of the independent claims, either explicitly or inherently, an anticipation rejection cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 are in order and respectfully requested.

Paragraph 4 of the Official Action rejects claims 1, 2, 5, 7, 35, 36, 38 and 39 as obvious based on the combination of Uochi and JP 08-213317 to Yamazaki et al. Paragraph 5 of the Official Action rejects claims 42, 43, 45-48, 50 and 51 as obvious based on the combination of Uochi, Yamazaki '317 and U.S. Patent No. 5,426,064 to Zhang et al. Paragraph 6 of the Official Action rejects claims 40, 41, 52, 53, 74 and 75 as obvious based on the combination of Uochi, Yamazaki '317, Zhang and U.S. Patent No. 5,764,321 to Koyama et al. The Applicant respectfully submits that a *prima facie* case of obviousness cannot be maintained against the independent claims of the present application, as amended.

As stated in MPEP §§ 2142-2143.01, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. "The test for an implicit showing is what the combined teachings, knowledge of

one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." In re Kotzab, 217 F.3d 1365, 1370, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000). See also In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Independent claims 1 and 42 have been amended in a manner similar to claim 54 (described above). Independent claims 35 and 47 have been amended in a manner similar to claim 58 (described above). Please incorporate the arguments above with respect to the deficiencies in Uochi. Yamazaki '317, Zhang and Koyama do not cure the deficiencies in Uochi. The Official Action relies on Yamazaki '317 to allegedly teach "a nickel concentration in the source/drain regions that is at least one order of magnitude higher than a concentration of nickel in other regions" (page 6, Paper No. 20050203), on Zhang to allegedly teach "that 1×10^{17} atoms/cm³ of nickel is needed in an amorphous layer to promote crystallization of silicon" (page 9, Id.) and on Koyama to allegedly teach "a laminate structure (311) of silicon nitride and polyimide" (page 12, Id.). However, Uochi, Yamazaki '317, Zhang and Koyama, either alone or in combination, do not teach or suggest two layers of an inorganic film and a resin film over a gate electrode. Since Uochi, Yamazaki '317, Zhang and Koyama do not teach or suggest all the claim limitations, a *prima facie* case of obviousness cannot be maintained. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) are in order and respectfully requested.

New claims 76-105 have been added to recite additional protection to which the Applicant is entitled. Claims 76-105 recite an inverted-stagger TFT, which is shown in the specification, for example, in the Fourth Embodiment and Figures 3A to 3D. For the reasons stated above and already of record, the Applicant respectfully submits that new claims 76-105 are in condition for allowance.

Should the Examiner believe that anything further would be desirable to place this application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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